

Examiner-Initiated Interview Summary	Application No. 10/550,076	Applicant(s) WALKER	
	Examiner Andrew W. Johns	Art Unit 2624	

All Participants:

(1) Andrew W. Johns, examiner.

(2) Raymond Nuzzo, applicant's representative.

Status of Application: _____

(3) _____

(4) _____

Date of Interview: 7 December 2007

Time: 9:10am

Type of Interview:

- ☒ Telephonic
☐ Video Conference
☐ Personal (Copy given to: ☐ Applicant ☐ Applicant's representative)

Exhibit Shown or Demonstrated: ☐ Yes ☒ No

If Yes, provide a brief description:

Part I.

Rejection(s) discussed:

Claims discussed:

27

Prior art documents discussed:

Part II.

SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:

See Continuation Sheet

Part III.

- ☒ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.
☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.

**ANDREW W. JOHNS
PRIMARY EXAMINER**

(Examiner/SPE Signature)

(Applicant/Applicant's Representative Signature – if appropriate)

Continuation of Substance of Interview including description of the general nature of what was discussed: Examiner noted that upon reconsideration of the restriction requirement, the claims are not patentably distinct, and the restriction required would be withdrawn and all claims examined. Examiner further noted that the claims were considered allowable over the prior art, but noted that the reference to "the reference images" in the third to last line of claim 27 appeared to be indefinite under 35 USC 112, second paragraph. Examiner proposed an amendment to claim 27 (see attached draft) to resolve this issue. Applicant's representative agreed to proposed change, and also suggested modifying the recitation of "any of the reference images" at the end of the claim to read --the at least one reference image-- so that it better agreed with the change to the earlier claim language. Examiner agreed, and indicated that the changes would be entered by Examiner's Amendment to place the application in condition for allowance..

DRAFT



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Fax Cover Sheet

Date: 06 Dec 2007

To: Raymond Nuzzo	From: Andrew W. Johns
Application/Control Number: 10/550,076	Art Unit: 2624
Fax No.: 203-467-7233	Phone No.: (571) 272-7391
Voice No.: 203-467-7895	Return Fax No.: (571) 273-8300
Re: Attorney Docket No. BAR 20299	CC:
<input checked="" type="checkbox"/> Urgent	<input checked="" type="checkbox"/> For Review
<input type="checkbox"/> For Comment	<input checked="" type="checkbox"/> For Reply
<input type="checkbox"/> Per Your Request	

Comments:

Number of pages 2 including this page

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DRAFT

Mr. Nuzzo:

The above referenced application has been transferred to me for examination and I have considered the election filed 15 October 2007. Upon careful reconsideration of the restriction requirement, mailed 13 September 2007, I have concluded that the claims in this case are not properly restrictable, so that the restriction requirement will be withdrawn and all the claims examined.

After searching the prior art and carefully evaluating the closest prior art and the claimed invention, I am generally prepared to issue a Notice of Allowability. However, I have noted a recitation in claim 27 that does not appear to have clear antecedent support in the preceding claim language, so that it would be indefinite under 35 USC 112, second paragraph. Specifically, it is unclear what is referred to by "the reference images" recited in the third to last line of claim 27, as no such reference images are recited or defined elsewhere in this claim. In order to expedite the allowance of this claim, I would propose the changes indicated below to clarify this recitation. These changes mirror the language used to define the system in claim 35.

--27. (currently amended) A method for processing an image of a specimen or dental x-ray to identify a pathogen within the specimen or dental x-ray, comprising the steps of:

- providing an image of a specimen or dental x-ray;
- providing a parallel processing computing platform;
- implementing a recursive hierarchical segmentation algorithm on the parallel processing computing platform and processing the image with the recursive hierarchical segmentation algorithm to isolate at least one segment of the provided image that has a feature that is of interest;
- processing the isolated segment with a data mining algorithm to extract particular image data from the isolated segment; and
- processing the extracted particular image data and ~~each of the~~ at least one reference ~~image images~~ with an optical recognition algorithm to determine if the extracted image data matches ~~any of the~~ the at least one reference images.--

Please review this application and my proposal and contact me at (571) 272-7391 to discuss this case. If we can agree upon mutually acceptable language to resolve this issue, I would be happy to implement the changes by Examiner's Amendment to place the application in condition for allowance.

/Andrew W. Johns/
Primary Examiner, Art Unit 2624